

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

v.

AHSHA NATEEF TRIBBLE [1],
DONALD KEITH ELLISON [2]

CRIMINAL NO. 19-541-FAB-2

DEFENDANTS' REQUEST FOR STATUS CONFERENCE HEARING

Defendants Ahsha Nateef Tribble (“Dr. Tribble”) and Donald Keith Ellison (“Mr. Ellison”) respectfully request that the Court hold a status conference to (i) set a trial date and (ii) issue a scheduling order pursuant to Rule 17.1 of the Federal Rules of Criminal Procedure and Local Rule 117.1.¹

1. This case was originally set for trial in January 2021. The trial date was vacated in November 2020 due to the pandemic. Dkt. 140. No new trial date has been set. Nearly two years have passed since charges were filed. Mr. Ellison was deprived of all his accounts, and all his real property was encumbered by *lis pendens* over two years ago. He now struggles to find employment and to make child support payments. In a separate motion for a status conference to be held in the related civil forfeiture case filed in this District and transferred to this Court, Mr. Ellison seeks a concurrent status conference on his motion for partial release of assets. Dr. Tribble and Mr. Ellison are ready to have their day in Court. The lack of a trial date makes it difficult to prepare for trial because trial subpoenas and Rule 17 subpoenas cannot be issued without a trial date.

2. Pursuant to conversations with government representatives, trial is expected to last three months. The trial and preparation for trial is complex. Among other matters, the Parties

¹ Local Rule 117.1 provides that “[t]he court may at any time during the pendency of criminal proceedings schedule additional status conferences as necessary to determine the status of the case and to resolve any pending issues.”

need to coordinate travel and lodging for many of the witnesses, defendants, and their counsel. Shifting quarantine, testing, and vaccination rules will require substantial lead time to assemble evidence for trial in this District. Thus, the Parties have conferred about a trial date that will provide them ample time to prepare for trial. The Government and Counsel for the Defendants are currently available to commence trial in early April 2022 and would like to discuss with the Court its availability.

3. In addition, the Defense proposes a pre-trial schedule as follows for the Court's consideration:

- i. Designation of evidence to be filed by the Government 90 days before trial.
- ii. Dispositive and suppression motions to be filed 30 days thereafter.
- iii. Response(s) to dispositive or suppression motions to be filed 15 days after.²
- iv. *Voir dire* questions to be submitted to the Court 15 days prior to trial.
- v. The Government to provide a list of witnesses intended to be called in its case-in-chief and their respective *Jencks* material 15 days prior to trial.
- vi. The Parties' preliminary jury instructions should be filed 7 days prior to trial.

4. Mr. Ellison's property remains seized by the Government—a topic that is the subject of Mr. Ellison's pending motion for release of assets in the civil forfeiture case in this same Court. Mr. Ellison requests a concurrent status conference in that case to be held with the conference requested in this motion.

For those reasons, Dr. Tribble and Mr. Ellison respectfully request a status conference hearing with the Court to discuss the pending motions and to set a trial date preferably to commence in early April 2022, at the Court's discretion.

² Dr. Tribble and Mr. Ellison acknowledge that section I(4)(D) of the Template Scheduling Order states that “[a]ny oppositions to the [pretrial] motions will be due five (5) calendar days after the filing of the motion(s).” Given the complexity of the case, Dr. Tribble and Mr. Ellison are willing to stipulate to an additional ten (10) calendar days for any response(s) to dispositive or suppression motions.

Dated: September 20, 2021

/s/ Deana Timberlake-Wiley

Deana Timberlake-Wiley (*pro hac vice*)
Simmons, Finney & Winfield, LLC
741 W. Lanier Ave., Suite 220
Fayetteville, GA 30214
Office: 678-788-6030
E-Mail: dwiley@sfwlegalteam.com

Juan R. Acevedo-Cruz (120701)
Suite 501-A
Banco Cooperativo Plaza
623 Ave. Ponce De Leon
San Juan, PR 00917
Tel/Fax: 787-751-2341
E-Mail: jr@jracevedo.com

**ATTORNEYS FOR AHSHA NATEEF
TRIBBLE**

/s/ William J. Leone

William J. Leone (*pro hac vice*)
william.leone@nortonrosefulbright.com

NORTON ROSE FULBRIGHT US LLP
1301 Avenue of the Americas
New York, NY 10019
Tel: 212-318-3000
Fax: 212-318-3400

Nathan B. Baum (*pro hac vice*)
NORTON ROSE FULBRIGHT US LLP
2200 Ross Ave., Suite 3600
Dallas, TX 75201
Tel: 214-855-7487
Fax: 214-855-8200

Sonia I. Torres-Pabón (USDC-PR No. 209310)
storres@melendeztorreslaw.com
MELENDEZ TORRES LAW
MCS Plaza, Suite 1200
255 Ponce de Leon Ave.
San Juan, P.R. 00917
Tel: 787-281-8100
Fax: 787-281-8310

**ATTORNEYS FOR DONALD KEITH
ELLISON**

CERTIFICATION

IT IS HEREBY CERTIFIED that on this same date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Nathan Baum
Nathan Baum

CONFERENCE

IT IS HEREBY CERTIFIED that the Government and counsel for Mr. Ellison have exchanged emails concerning these matters as instructed by the Court. The Parties were in agreement regarding the early April 2022 trial dates but were unable to resolve the proposed pre-trial schedule requested in this Motion.

/s/ Nathan Baum
Nathan Baum